

act of the Legislature of the State of Texas, entitled "An act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale," approved July 14, 1879, be, and is, hereby suspended.

Section 2. That no sale of any of said lands not perfected by the actual survey thereof, and the receipt of the purchase money for the same, by the Treasurer of this State, before this act takes effect, shall be deemed valid, and the Commissioner of the General Land Office is hereby prohibited from issuing any patent for any of said lands, the purchase money of which shall not have been so paid before this act takes effect.

Section 3. This act shall in no wise affect the appropriation of the proceeds of said lands, as heretofore provided by law nor shall said lands, or any part thereof, be subject to location, but shall be and remain appropriated in equal portions to the payment of the public debt, and for the benefit of the common schools until otherwise provided by law.

Senator Lightfoot offered the following amendment to the original bill: Amend by adding to section three the following: Provided, further, that no officer of this State shall make, complete or carry out any sale of the lands mentioned in this act, unless the purchase money, or a portion thereof, has been paid prior to this act.

Senator Terrell moved a call of the Senate. Call sustained.

Roll called; absent, Senator Moore.

Senator Rainey moved to excuse Senator Moore.

Pending the call of the Senate, on motion of Senator Henderson, Senate adjourned to 9:30 a. m. to-morrow, Senate bill No. 28, with amendments of Senators Ross and Lightfoot and substitute of Senator Harris, pending.

EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 14, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Chaplain.

On motion of Senator Rainey the reading of the journal of yesterday was dispensed with.

Senator Harris introduced a bill entitled "An act to apportion the State of Texas into eleven congressional districts, and to provide for the election of one member of the House of Representatives in the Congress of the United States from each of said districts." Referred to Committee on Congressional Districts.

Senator McLane offered the following resolution:

WHEREAS, There is need of copies of the rules of the Senate, for distribution among the several new members of the Senate who are not supplied therewith; be it therefore

Resolved, That the Secretary of the Senate be, and he is hereby authorized and required to purchase ten copies of the rules of the Senate, not to exceed in cost seventy cents each, for the use of the members of the Senate;

And moved its adoption. Adopted.

The President signed Senate bill No. 5, "An act to amend article 4256 of the Revised Statutes of the State of Texas."

Senator Ross offered the following resolution:

Resolved, That Judiciary Committee No. 1 be requested to report, at their earliest convenience, to the Senate, what, in the opinion of the committee, is the proper construction of section 9, article 8, of the Constitution, as to whether the power of counties to levy ad valorem taxes for ordinary purposes is limited to half the rate that may be levied by the State, or whether counties may levy a rate of 25 cents on the \$100 valuation, regardless of the rate levied by the State;

And moved its adoption. Adopted.

The President laid before the Senate Senate bill No. 28, "An act to amend the third, ninth, tenth and eleventh sections of an act entitled 'an act to provide for the sale of a portion of the unappropriated public lands of the State of

Texas and the investment of the proceeds of such sale,' approved July 14, 1879, and to add an additional section to said act."

Senator Duncan moved that one hundred copies of the bill be ordered printed. Adopted.

Senator Duncan moved to postpone the consideration of the bill for ten minutes. Adopted.

The President then laid before the Senate Senate bill No. 27, "An act to authorize the appointment of commissioners to survey and establish a boundary line between the State of Texas and the Indian Territory of the United States, and making an appropriation to defray the necessary expenses of said commissioners."

Senator Terrell made the point of order that the bill, being a committee bill, was not properly before the Senate, and that the Constitution required the reference of a bill to a committee before it could be acted upon by the Senate.

The President decided the point of order not well taken, because the message of the Governor upon the same subject was referred to the committee, and they have, after considering the subject, reported this bill, and because the Senate, by the adoption of Senate rule 52, has so construed that clause of the Constitution.

Senator Terrell offered Senate bill No. 2, with the same caption as a substitute for the bill.

Senator Lightfoot moved its adoption.

The time having arrived for the consideration of Senate bill No. 6, "An act to adjust the State's indebtedness to the University fund, and make an appropriation therefor," being the special order for this hour, said bill was taken up and read with substitute, and pending bill went to the table.

On motion of Senator Ross, committee substitute was adopted.

Senator Davis offered the following amendment: Amend section 1 of substitute Senate bill No. 6 by adding at the end of the section the words, "and the further sum of \$134,472.26 is hereby appropriated out of the general revenue to be applied to the payment of the principal of said lands and transferred to the University fund."

Senator Harris offered the following substitute for Senator Davis' amendment:

Add to section 1 the following: "And the sum of \$134,472.26 be and is hereby appropriated out of the general revenue in the Treasury, not otherwise appropriated, to pay the principal sum so due the University fund; and the same shall be invested by the Governor and the State Treasurer in the bonds of the State of Texas or in the bonds of the United States, as to them shall seem best, and the bonds so purchased shall be deposited in the State Treasury to the credit of, and shall constitute a part of, the permanent University fund, and the interest thereon shall constitute a part of the available University fund."

Substitute accepted.

(Senator Rainey in the chair.)

Senator Homan moved the previous question on amendment as substituted. Motion seconded and main question ordered.

(The President in the chair.)

Amendment lost by the following vote:

YEAS—10.

Burges,	Duncan,	Martin,
Burton,	Harris,	Shannon,
Davenport,	Lightfoot,	Swain.
Davis,		

NAYS—17.

Brown,	Lair,	Ross,
Buchanan,	McLane,	Stubbs,
Gooch,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Wynne.
Homan,	Rainey,	

Senator Patton moved the previous question on the engrossment of the bill.

Motion seconded and main question ordered.

Bill ordered engrossed by the following vote:

YEAS—20.

Brown,	Lair,	Ross,
Buchanan,	Lightfoot,	Stubbs,
Gooch,	McLane,	Swain,
Harris,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Wynne.
Homan,	Rainey,	

NAYS—7.

Burges,	Davis,	Martin,
Burton,	Duncan,	Shannon.
Davenport,		

On motion of Senator Terrell, rules were suspended to place bill on its third reading, by the following vote:

YEAS—24.

Brown,	Homan,	Rainey,
Buchanan,	Lair,	Ross,
Burges,	Lightfoot,	Shannon,
Burton,	Martin,	Stubbs,
Gooch,	McLane,	Swain,
Harris,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Wynne.

NAYS—8.

Davenport,	Davis,	Duncan.
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Senator Duncan offered the following amendment: Amend substitute, line 1, page 2, strike out "available" and insert after the word "fund," in same line, the words "the interest on said amount of \$134,472.26 from the date of bond to the adoption of the Constitution of 1876, to be transferred to the credit of permanent University fund."

Message was received from the House announcing the passage by that body of House bill No. 25, "An act to repeal an act entitled 'an act granting to persons who have been permanently disabled by reason of wounds received while in the service of this, or of the Confederate States, in the late war between the States of the United States, a land certificate for twelve hundred and eighty acres of land,' approved April 7, 1881."

Also, that the House refuses to concur in Senate amendment to House bill No. 43, "An act to repeal all laws granting land or land certificates to any person, firm, corporation or company for the construction of railroads, canals and ditches."

Senator Duncan moved a division of the question.

Senator Homan moved the previous question on the amendment.

Motion seconded and main question ordered.

First division: strike out the word "available," line 1, page 2. Lost by the following vote:

YEAS—11.

Burges,	Duncan,	Martin,
Burton,	Harris,	Rainey,
Davenport,	Lair,	Swain.
Davis,	Lightfoot,	

NAYS—17.

Brown,	McLane,	Stubbs,
Buchanan,	McDonald,	Terrell,
Gooch,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Ross,	Wynne.
Homan,	Shannon,	

Second division: Insert "interest of \$134,472.26 from date of bond to date of adoption of the Constitution of 1876 to be transferred to the credit of the permanent University fund." Lost by the following vote:

YEAS—8.

Burges,	Davis,	Lair,
Burton,	Duncan,	Martin.
Davenport,	Harris,	

NAYS—20.

Brown,	McLane,	Stubbs,
Buchanan,	McDonald,	Swain,
Gooch,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Hightower,	Rainey,	Weatherred,
Homan,	Ross,	Wynne.
Lightfoot,	Shannon,	

Senator Terrell moved the previous question on the passage of the bill. Motion seconded and main question ordered. Bill passed by the following vote:

YEAS—21.

Brown,	Lair,	Ross,
Buchanan,	Lightfoot,	Stubbs,
Gooch,	McLane,	Swain,
Harris,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred.
Homan,	Rainey,	Wynne.

NAYS—7.

Burges,	Davis,	Martin,
Burton,	Duncan,	Shannon
Davenport,		

Senator Homan, for Committee on Enrolled Bills, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 14, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills, having carefully examined and compared Senate bill No. 5, "An act to amend article 4250 of the Revised Statutes of the State of Texas," find the same correctly enrolled and properly signed, and have this day, at 10 o'clock a. m., presented the same to the Governor for his approval.

HOMAN, for Committee.

On motion of Senator Davenport, Senator Moore was excused till Tuesday morning.

Senator Terrell presented a petition of N. N. Gammel and H. P. N. Gammel asking for an appropriation of \$80, for having saved, at considerable labor and expense, 800 volumes of Revised Statutes and other law books out of the ruins of the burnt capitol. Referred to Committee on State Affairs.

On motion of Senator Homan, Senate adjourned till 9:30 a. m. to-morrow.

NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 15, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator McLane, reading of the minutes of yesterday's proceedings was dispensed with.

Senator McLane presented a petition from the citizens of Webb county, asking that a new judicial district be made, said district to be composed of the counties of Webb, Zapata, Encinal, La Salle, Dimmit, Zavalla and Maverick, and that the civil and criminal jurisdiction of Webb county be abolished, and that said jurisdiction be transferred to the District Court of said county, and that the District Court of Webb county be given four terms a year, of not less than four weeks of each term. Referred to Committee on Judicial Districts.

Senator Ross, chairman of Finance Committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 14, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 26, entitled "An act to provide for the destruction of certain engraved bonds of the State, engraved under an act approved April